

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

(COMPLETE IF KNOWN)

Application Number	To be assigned
Filing Date	Herewith
Group Art Unit	To be assigned
Examiner	To be assigned

Attorney Docket Number	4700-5
First Named Inventor	McTernan

This declaration is (check one):

- ☒ submitted with initial filing;
☐ submitted after initial filing;
☐ a supplemental declaration.

This application is of the following type:

- ☒ utility;
☐ design;
☐ national stage of PCT;
☐ divisional, continuation or continuation-in-part.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SYSTEM AND METHOD FOR USING BENCHMARKING TO ACCOUNT FOR
VARIATIONS IN CLIENT CAPABILITIES IN THE DISTRIBUTION OF A
MEDIA PRESENTATION**

the specification of which: (check one)

- ☒ is attached hereto; or
☐ was filed on _____ as U.S. Application Serial No. ____ / _____ and is/was amended on _____ (if applicable);
☐ was described and claimed in PCT International Application No. _____, filed on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's

Page 1 of 3

BRMFS1 234769v1

certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (if any):

Foreign/PCT Application Number	Country	Filing Date (MM/DD/YYYY)	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (if any):

Provisional Application No.	Filing Date
60/177,397	January 21, 2000
60/177,394	January 21, 2000
60/177,396	January 21, 2000
60/177,395	January 21, 2000
60/177,398	January 21, 2000
60/177,399	January 21, 2000
60/182,434	February 15, 2000
60/204,386	May 10, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S./PCT Parent Application No.	Filing Date	Status (Patented, Pending, or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint the following attorney(s) or agent(s) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Seth H. Ostrow, Reg. No. 37,410
Jonathan T. Kaplan, Reg. No. 38,935
Matthew J. Marquardt, Reg. No. 40,997
Frederick Yu, Reg. No. 45,251
Michael K. Kinney, Reg. No. 42,740
Brooke W. Quist, Reg. No. 45,030
Ralph F. Hoppin, Reg. No. 38,494

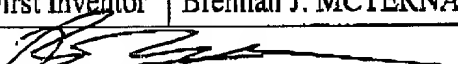
Frank J. DeRosa, Reg. No. 26,543
Louis J. Greco, Reg. No. 41,799
Katrine A. Levin, Reg. No. 41,941
Michael Malish, Reg. No. 41,968
Pamela G. Maher, Reg. No. 40,712
James J. Woods, Reg. No. P47,184
Silvana M. Merlino, Reg. No. 44,237

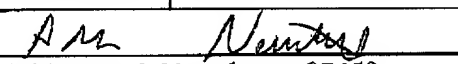
Direct all correspondence to:

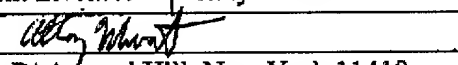
Brown Raysman Millstein Felder & Steiner LLP
120 West 45th Street
New York, New York 10036

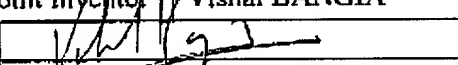
Direct all telephone calls to:

(212) 944-1515

Full Name of Sole or First Inventor	Brennan J. MCTERNAN		
Inventor's Signature		Date	1/22/01
Residence	Fanwood, New Jersey 07023	Citizenship	USA
Post Office Address	135 N. Martine Avenue, Fanwood, New Jersey 07023		

Full Name of Second Joint Inventor	Adam NEMITOFF		
Inventor's Signature		Date	1/22/01
Residence	Ridgewood, New Jersey 07450	Citizenship	USA
Post Office Address	240 Ackerman Avenue, Ridgewood, New Jersey 07450		

Full Name of Third Joint Inventor	Altay MURAT		
Inventor's Signature		Date	1/22/01
Residence	Richmond Hill, New York 11418	Citizenship	USA
Post Office Address	104-13 89 th Avenue, Richmond Hill, New York 11418		

Full Name of Fourth Joint Inventor	Vishal BANGIA		
Inventor's Signature		Date	1/22/01
Residence	Jersey City, New Jersey 07310	Citizenship	INDIA
Post Office Address	45 River Drive South, Apt. No. 1501, Jersey City, New Jersey 07310		

(check one) Sheets containing additional joint inventors ☐ are, ☒ are not attached hereto.